



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/815,277

04/01/2004

Mitchell T. Johnson

59656US002

8373

32692 7590 02/08/2007
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

THOMAS, JAISON P

ART UNIT

PAPER NUMBER

1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/815,277

Applicant(s)

JOHNSON ET AL.

Examiner

Jaison P. Thomas

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendments filed on 11/22/2006
2. Claims 1-26 are pending.
3. The rejection of Claims 9,13 and 15 under 35 USC 112, second paragraph are withdrawn in view of applicants' amendments.
4. The terminal disclaimer filed on 11/3/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6736857 has been reviewed and is accepted. The terminal disclaimer has been recorded.
5. The terminal disclaimer filed on 11/3/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6802870 has been reviewed and is accepted. The terminal disclaimer has been recorded.
6. Claims 1-3,5,6,8-10,13 and 14 stand rejected under 35 USC 102(b) as being anticipated by Cekada et al. (US Patent 3445415 and US Patent 3433780 incorporated by reference).
7. Claim 4,7,21 and 22 stand rejected under 35 USC 103(a) as being unpatentable over Cekada (US Patent 3445415 and US Patent 3433780 incorporated by reference).
8. Claims 1-26 stand rejected under 35 USC 103(a) as being unpatentable over Chang et al. (US Patent 6736857) in view of Rees (US Patent 5284597).
9. Claims 1-26 stand rejected under 35 USC 103(a) as being unpatentable over Chang et al. (US Patent 6802870) in view of Rees (US Patent 5284597).

Response to Arguments

10. Applicant's arguments filed 11/3/2006 have been fully considered but they are not persuasive.

With respect to the rejections based on Cekada, Applicants have amended the claims and argued that the new percentage limitations of the hydrogen peroxide are not taught by the Cekada reference.

The Examiner respectfully disagrees with the above arguments because Example 1 disclosed Cekada shows an emulsion of 100 g of silsesquioxane, 5 g of hydrogen peroxide, and 11 g of methylmethacrylate that is heated and then an additional 2 g of hydrogen peroxide reacted together. Doing calculations, hydrogen peroxide comprises about 6 % of the total composition. Therefore, Cekada already teaches the claimed percentages hydrogen peroxide as required by the amended claims.

With respect to the rejections based on Chang and Rees, Applicants argue that there is no motivation to combine the references.

The Examiner respectfully disagrees with the above arguments because, as stated in the previous office action, both Chang and Rees are directed in the analogous art of carpet cleaning compositions and that Chang allows for the inclusion of additional ingredients. "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third

Art Unit: 1751

composition to be used for the very same purpose", see *In re Kerkhoven*, 626 F.2d 846,850,205 USPQ 1069, 1072 (CCPA 1980).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 8:30 am to 5:00 pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone

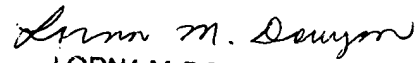
Art Unit: 1751

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaison Thomas
Examiner
1/31/2007

JT


LORNA M. DOUYON
PRIMARY EXAMINER